

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**IN RE: DIET DRUGS
(Phentermine/Fenfluramine/Dexfenfluramine)
PRODUCTS LIABILITY LITIGATION**

MDL Docket No. 1203

This Document Relates to:

CYNTHIA A. TAYLOR

**E.D.Pa. Civ. A. No. _____
(Related Case No. 2:04-CV-20092-HB)**

v.

**WYETH,
WYETH-AYERST PHARMACEUTICALS,
INC., WYETH-AYERST
INTERNATIONAL, INC. and WYETH
PHARMACEUTICALS, Division of Wyeth**

SEVERED AND AMENDED COMPLAINT

Pursuant to the provisions of Pretrial Order No. 4859, Plaintiff in the above matter alleges the following:

A. PARTIES

1. Plaintiff, Cynthia A. Taylor, (hereinafter the "Diet Drug Recipient-Plaintiff") is an individual and a citizen of the State of North Carolina, residing at 9408 NC Highway 211 East, Lumberton, North Carolina 28358.

2. Plaintiff, _____, is a citizen of the State of _____, residing at _____, and has the following relationship to the Diet Drug Recipient-Plaintiff:

Spouse

Parent

Child

Other: _____

3. The Diet Drug Recipient-Plaintiff ingested the following drug products that were marketed, distributed, and sold by defendant, Wyeth:

Pondimin (Fenfluramine) beginning _____ for _____ days.

X Redux (Dexfenfluramine) beginning 10/31/96 for 137 days.

4. Defendant, Wyeth, is a corporation organized and existing under and by virtue of the laws of the State of Delaware, with its principal place of business in Madison, New Jersey. Wyeth is the successor, by change of name, to American Home Products Corporation.

5. Plaintiff(s)

X Does not bring this action against the manufacturer or seller of any Phentermine products;

Brings this action against the following manufacturer/seller(s) of the following Phentermine products that were ingested by the Diet Drug Recipient-Plaintiff:

	Fisons Corporation
	Eon Laboratories
	Gate Pharmaceuticals, Division of Teva Pharmaceuticals USA
	Geneva Pharmaceuticals, Inc.
	Ion Laboratories, Inc.
	Jones Pharma, Inc.
	Medeva Pharmaceuticals, Inc.
	Richwood Pharmaceuticals
	Rosemont Pharmaceuticals
	Rugby Laboratories
	Qualitest Pharmaceuticals, Inc.
	SmithKline Beecham Corporation
	United Research Laboratories
	Zenith Goldline Pharmaceuticals, Inc.
	Carmall Company
	Other:

6. Plaintiff(s) bring this action against the following additional defendants:

None.

7. The Court's jurisdiction over the subject matter of this action:

a. Is founded upon complete diversity of citizenship between the parties and the fact that the amount in controversy herein exceeds \$75,000.00, exclusive of interest and costs; or

X b. Is contested, but the Court has already determined that it has removal jurisdiction over this action, pursuant to 28 U.S.C. § 1441.

B. CAUSES OF ACTION

8. Plaintiff(s) seek(s) damages against the above-named defendants based upon the following theories of liability, and asserts each element necessary to establish such a claim under the applicable substantive law:

X Negligence

X Breach of implied warranty

X Breach of express warranty

X Strict liability in tort

X Fraud

X Negligent misrepresentation

X Liability under § 402b of the RESTATEMENT OF TORTS (SECOND)

Other:

C. CAUSATION, INJURY AND DAMAGE

9. As a direct and proximate result of defendant's culpable actions in the marketing, distribution, and sale of the Diet Drugs described above, the Diet Drug Recipient-Plaintiff sustained the following injuries:

☒ Injury to the aortic valve;
☐ Injury to the mitral valve;
☐ Injury to both the aortic and the mitral valves;
☐ Primary Pulmonary Hypertension;
Other:

10. As a direct and proximate result of the injuries described in the preceding paragraph, the Diet Drug Recipient-Plaintiff has in the past suffered and/or will in the future suffer the following compensable damages:

☒ Pain and suffering;
☒ Loss of the pleasures of life;
☒ Loss of earnings and/or impairment of earning capacity;
☒ Expenses for medical care, treatment, and rehabilitation;
☒ Other: Mental anguish; Fear of the future

11. As a direct and proximate result of the injuries described in paragraph 9, the non-Diet Drug Recipient-Plaintiff(s), if any, have in the past suffered and/or will in the future suffer a loss of the love, society, companionship, services, affection, and support of the Diet Drug Recipient-Plaintiff and such other losses, injuries and damages for which compensation is legally appropriate.

WHEREFORE, plaintiff(s) respectfully pray that the Court enter judgment in his/her/their favor and against defendant(s) for damages, costs of suit and such other, further and different relief as may be just and appropriate.

Respectfully submitted,

WILLIAMS BAILEY LAW FIRM, L. L. P.



John T. Boundas (SBN 00793367)
John Eddie Williams, Jr. (SBN 21600300)
Steven J. Kherkher (SBN 11375950)
8441 Gulf Freeway, Suite 600
Houston, TX 77017
Tel: (713) 230-2200
Fax: (713) 643-6226

BLIZZARD, McCARTHY & NABERS, L. L. P.
Steve McCarthy (SBN 13372300)
Edward F. Blizzard (SBN 02495000)
440 Louisiana, Suite 1710
Houston, TX 77002
Tel: (713) 844-3750
Fax: (713) 844-3755

ATTORNEYS FOR PLAINTIFF